

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

LM INSURANCE CORPORATION,

Plaintiff,

v.

Case No: 5:19-cv-274-Oc-30PRL

OCCIDENTAL FIRE AND CASUALTY
COMPANY OF NORTH CAROLINA
and HARNAUTH SEWSANKAR,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Philip R. Lammens (Dkt. 64). The Court notes that the parties did not file written objections to the Report and Recommendation and the time for filing such objections has elapsed.

After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. 64) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.

2. LM Insurance Company's Motion for Summary Judgment (Dkt. 44) is granted in part and denied in part. The motion is granted to the extent the Court concludes that Main Street owned the 2008 Nissan Maxima at the time of the accident and that Occidental's policy issued to Main Street provides UM coverage to Harnauth Sewsankar that is primary to any coverage provided by Liberty. The motion is otherwise denied.


3. Occidental Fire and Casualty Company of North Carolina's Motion for Summary Judgment (Dkt. 55) is granted in part and denied in part. The motion is granted to the extent the Courts concludes that Occidental's policy issued to Main Street affords UM benefits in the amount of \$20,000. The motion is otherwise denied.

4. The Court declares that Occidental's policy issued to Main Street provides UM coverage to Harnauth Sewsankar that is primary to any coverage provided by Liberty, and that Occidental's policy affords UM benefits in the amount of \$20,000.

5. Occidental Fire and Casualty Company of North Carolina's Motion to Strike the Testimony of Thomas Bailey (Dkt. 37) and LM Insurance Corporation's Motion to Strike Testimony of T. R. Eunice, Jr.'s Motion to Strike Testimony (Dkt. 53) are denied as moot.

6. The Clerk is directed to terminate any pending motions and to close this case.

DONE and **ORDERED** in Tampa, Florida, this 1st day of July, 2020.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record